

**MINUTES
MEETING OF THE
TENNESSEE COMMISSION ON AGING AND DISABILITY
THE SHERATON DOWNTOWN HOTEL
623 UNION STREET
NASHVILLE, TENNESSEE
February 13, 2007
Suite 6**

Members Present:

Mr. John Arriola
Ms. Diane Cornell
Mr. Bernard Danzig
Ms. Judy Eads
Mr. William Edington for Ms. Wanda Willis
Mr. Jerry Hill
Ms. Vickie Lawson
Ms. Beauton Matthews
Ms. Frankie McCord
Mr. Judson Palmer
Mr. Glen Petree
Mr. Leonard Price
Mr. Seth Stanger for Ms. Tam Gordon
Ms. Mary Stockley
Ms. Elizabeth Stovall
Ms. Jackie Talley
Ms. Bobbie Tyler
Mr. Donald Woodlee

Members Absent:

Rep. Lois DeBerry
Mr. Shelburne Ferguson, Jr.
Ms. Tam Gordon
Mr. William Johnson
Ms. Teresa McCadams
Ms. Deborah Neill
Ms. Wanda Willis

Ms. Pam Hayden-Wood, Office of the Attorney General, was also present.

Chair Woodlee called the meeting to order at 9:00 a.m. The roll was called, and attendance is listed above.

APPROVAL OF THE NOVEMBER 2006 MINUTES

Chair Woodlee asked if there were any corrections, additions, or deletions to the Minutes of the November 2006 meeting. **John Arriola moved approval of the minutes as recorded. The motion was seconded by Leonard Price and passed unanimously.**

TCAD STAFF UPDATE

Margaret Rose introduced a new staff member, Michelle Jackson, who will be working with the Home and Community Based Services waiver program as waiver nurse. She is replacing Linda Darnell who left the Commission. Jackie Bruce introduced a new employee in the Quality department, Michelle Drachler. Ms. Drachler comes to TCAD from Pennsylvania where she has approximately 30 years of experience in monitoring programs.

NEW COMMISSION MEMBERS

Nancy Peace introduced new Commission members. Bio's of each member were placed in Commission members' notebooks. New members are as follows.

- * Mary Stockley - Representing AARP Tennessee
- * Frankie McCord – Representing the Tennessee Federation on Aging
- * Beauton Matthews – Representing Rural Area, Delta District
- * Glen Petree – Representing Rural Area, East Tennessee District
- * Bernard Danzig – Representing Urban Area, Delta District
- * Teresa McCadams – Representing Northwest District

Ms. McCadams was re-appointed to serve an additional six years after filling out the term of former Commission member, Virginia Acree, who resigned before completion of her term.

Chair Woodlee announced that Dr. Sun-Hwan Chu, Representative for the Tennessee Disability Coalition, recently resigned and a search for replacement to complete his term which is up September 30, 2007, will be forthcoming.

CONFLICT OF INTEREST

Kathy Zamata reported that it was time for the annual signing of the Conflict of Interest statement by Commission members. She stated that one of the items cited by the Comptroller's Audit was the Conflict of Interest form and that she would have a new form for signature by members at the next meeting for the upcoming program year. The forms for signature to complete the current year were inserted in members' notebooks.

COVER TENNESSEE

Stephani Ryan, Director of Cover Tennessee, was guest speaker. She presented a PowerPoint presentation and reviewed the five components of the program shown below. Governor Phil Bredesen developed Cover Tennessee to provide health insurance options that are affordable and portable, and meet the needs of the uninsured in the State of Tennessee. More information can be found at <http://covertn.gov> or by calling 1-866-COVERTN.

CoverKids offers comprehensive health coverage to uninsured children in Tennessee, age 18 and under, and pregnant women.

AccessTN provides a comprehensive health insurance plan for seriously ill adults who have been turned down by insurance companies.

CoverTN allows the state, private employers and individuals to partner to offer guaranteed, affordable basic health coverage for employees of Tennessee's small businesses.

CoverRx offers affordable medication to low income, uninsured Tennesseans.

ProjectDiabetes/Coordinated School Health expands an educational pilot project to schools across the state to teach healthy lifestyles and eating habits and launches a grant program to reduce Type 2 Diabetes and obesity.

Cover Tennessee is not an entitlement program — it is voluntary health insurance coverage that is affordable to participants and affordable to the State of Tennessee.

OWN YOUR FUTURE

Seth Stanger, Office of the Governor, reported on the “Own Your Future” campaign. Tennessee is the 15th state to get involved in the campaign for the purpose of promoting awareness in long term care. A letter will be mailed out to Tennesseans aged 45-65 and inviting them to order a free booklet/packet on long term care. It will help Tennesseans plan for their future as many do not plan for it.

Mr. Stanger reported that Governor Bredesen will hold a press conference March 6th to announce the campaign and raise awareness. Tennesseans will benefit from an improved awareness of the Area Agency on Aging and Disability network, the Home and Community Based Waiver services program, and the State Health Insurance Program (SHIP). Mr. Stanger asked for the Commission’s help in reaching the 65+ population.

COMMUNITY SERVICES

Lucy Utt reported on Medicare Part D, Medicare’s prescription drug benefit that has been in place since January 1, 2006. While CMS assesses the program as having been implemented successfully, there are several issues that primarily affect those vulnerable enrollees who, generally, have low levels of education and, as a result, low incomes. TCAD/SHIP received a grant from the Corporation for National and Community Service in April 2006 to have a total of twenty-one (21) AmeriCorps*VISTA “members” distributed throughout Tennessee to establish sustainable volunteer programs in every county of the State to find low-income Medicare enrollees, then to educate them and help them enroll in Medicare Part D and the accompanying Low-Income Subsidy (LIS). The issues were described as follows:

1) Loss of the Low-Income Subsidy due to elimination of deeming for 2007 LIS eligibility; 2) Erroneous disenrollment from plans; 3) Delayed issuance of Annual Notices of Change (ANOC) by plans which resulted in CMS offering extended Election Periods for some beneficiaries; 4) Misrepresentation on the part of plan representatives that resulted in beneficiaries being enrolled in Medicare Advantage plans that require use of “network only” providers and copayments; 5) SSA premium withhold situations wherein: a) consumers’ SS checks are defrayed by withholdings for Part D premiums when, in fact, the consumers should be paying no premiums because they have the Low-Income Subsidy and/or they are also billed by the plans for monthly premiums even though they requested their premiums be withheld by SSA (many are being disenrolled from the benefit due to “non-payment of premium”); and b) 1800+ enrollees in Tennessee were erroneously sent Part D premium refunds which the plans and the government expect consumers to repay.

As the last quarter of the first grant period is approaching, three (3) AAADs are participating in the VISTA program (UCDD, SEDEV and SWTDD) with a total of five (5) AmeriCorps*VISTA Members in place. First TN AAAD had scheduled a member to begin in January 2007, but that individual became ill and canceled her plan to participate. ETHRA, GNRC, SCTDD and ACMS recently interviewed applicants; of those, ACMS has accepted a member who will begin working soon. TCAD staff is currently preparing the project’s second year grant application. The application is due to the Corporation for National and Community Service on March 1, 2007. Ms. Utt asked the Commission members to please be aware of the issues and refer consumers with problems to the SHIP line (1-877-801-0044).

COMMITTEE ASSIGNMENTS

Chair Woodlee reported that Committee responsibilities have been developed internally and the Committees have reviewed the list to fit the role of the Committee. Mr. Woodlee gave an opportunity for each Committee who met the previous day to give a report on the Committee meetings.

Mr. Woodlee reported that due to Mr. Chu's resignation from the Commission, his position as Chair of the Long Term Care Committee was vacant and he appointed Elizabeth Stovall to Chair of the Long Term Care Committee and she accepted.

Mr. Woodlee appointed new Commission member, Beauton Matthews, to the Audit Committee. Mary Stockley was appointed to the Advocacy Committee. Frankie McCord was appointed to the Planning Committee. Bernard Danzig and Glen Petree were appointed to the Long Term Care Committee.

The Committees will meet the day prior to the Commission meetings. Announcements will be sent to Committee members prior to the meeting dates and times.

Chair Leonard Price reported the Audit Committee met on February 12, 2007. He stated that Beauton Matthews was added to the Committee. Mr. Price reported that there were three findings from the Sunset Audit and the audit report was included in members' notebooks. The findings included insufficient monitoring of the area agencies, the conflict of interest form to be completed by Commission members, and the Title VI Implementation Plan. He noted that the TCAD had taken steps to address the findings. Kathy Zamata will rewrite the conflict of interest, and a QA staff member has been named as Title VI Coordinator. It was reported that the Sunset Audit goes to legislature this year, and the report is expected by June 30th.

Chair Price asked Perry Register to address the finding at Southeast Area Agency on Aging and Disability. Mr. Register stated that an audit of the Comptroller's Audit ended in a finding of internal controls, and that the Area Agency had taken steps to address the finding. It was mentioned that 'internal controls' would be a good future training topic for the area agencies. The report of the Audit Committee was concluded.

John Arriola, Chair of the Advocacy Committee, reported on the meeting of the Advocacy Committee on Monday, February 12, 2007. He stated that guest, Stewart Clifton, was invited to discuss some legislative issues of the Alzheimer's Association. Mr. Arriola distributed a handout of legislative priorities regarding advocacy, and stated that everyone should consider themselves an advocate. Mr. Clifton said he would make sure everyone receives information on plans of the Alzheimer's Association to visit 'the hill'. Mr. Clifton also presented for the meeting of the Commission. He addressed the members and reported that his organization was involved in public policy promoting home and community based services. He said there were 'safe return' issues regarding Alzheimer's folks. Mr. Clifton stated a Task Force had been established and the goal was to create a state plan that would coordinate with the TCAD State Plan. There was interest in knowing what kind of programs would be most helpful, and the Task Force would determine support being provided for family members.

Mr. Arriola reported that the AARP priorities for the legislative season were Choices for Care; identity theft; and the consolidation of the Commission on Aging and Disability to a cabinet level status. He mentioned there were additional proposals out there and the Advocacy Committee would be taking a look at the legislation.

It was noted by Vickie Lawson, Adult Protective Services, that no-one from DHS currently serves on the task force for addressing Alzheimer's mentioned by Mr. Clifton. He responded that it was a good idea to add someone to the task force.

Chair of the Planning Committee, Wanda Willis, was unable to attend the meeting of the Planning Committee on Monday, February 12, 2007. Jackie Bruce reported for the Committee. Ms. Bruce reported that the Committee discussed their role with the Area Plans including the annual review process, and that the Committee members would be allotted two plans each. The Committee will make recommendations to the Commission concerning the annual area plans. March 15, 2007, is the deadline for submissions of the area plan updates to the TCAD.

The Long Term Committee report was reported by Margaret Rose, as the Chair of the Committee. Dr. Chu, had resigned as Commission member. Elizabeth Stovall was appointed as the new Chair of the Committee. Mr. Rose reported that the Committee had met on Monday, February 12, 2007, and discussed the list of committee responsibilities. After discussion, the Committee adopted an additional responsibility—to interface with other state agencies. Mr. Rose added that there are various state agencies serving the elderly in need of long term care. In general, the Committee discussed ways to come up with a forum that would get different state agencies together. Ms. Eads, a member of the Long Term Committee, stated that the "Own Your Future" campaign would assist with multi-agency involvement. She added that it would be helpful if the staff working on home and community based services had access to federal information on assessment. Ms. Eads suggested added TCAD pursue necessary steps to gain access to viewing rights. Another member of the Committee, Jackie Talley, added that coordination of state agencies would help reduce barriers to providing services to enrollees.

Don Woodlee, Chair of the Executive Committee, reported that the Executive Committee met Monday, February 12, 2007. All members were present. He stated that there is a value-added effect of having the Committee's meet to discuss issues prior to the Executive meeting. Mr. Woodlee mentioned that it is his goal to visit all the area agencies and meet with program staff for the purpose of learning about the diversities and similarities of services being provided by each of the agencies. Mr. Woodlee reported that a visit had been made to the Southeast Area Agency on Aging and Disability. Commission members from the Southeast District, Bobbie Tyler and Diane Cornell, attended the site visit along with Chair Woodlee and Executive Director, Nancy Peace. Chair Woodlee commended Steve Witt and the Area Agency staff for the great job they are doing in the Southeast District.

Chair Woodlee stated the next site visit would be made to West Tennessee. There is no date set for the visit yet, but Commission members from the areas being visited will be invited to attend, and a travel claim will be available for expenses.

STATUS REPORT ON HOME AND COMMUNITY BASED SERVICES

Margaret Rose outlined the history of the home and community based services waiver program. She stated the program was long in coming compared to other states and is looking to grow. TN provides home and community based services through the Older Americans Act, state funds, and statewide home and community based Medicaid waiver program. The goal is to keep people out of nursing homes when possible. The major programs are: 1) Medicaid waiver program (funded with a combination of federal and state funding), and 2) the Options program (funded by the State of TN). Last year, the

initial waiver program expired in September. The program was renewed for five additional years, with the opportunity to serve 3700 people. New services added with the waiver renewed include: 1) personal care assistant, 2) adult day care, 3) in-home respite, 4) assisted living, 5) assistive technology, and 6) pest control. TCAD staff are working with area agencies to recruit new service providers.

REPORT FROM THE EXECUTIVE DIRECTOR

Nancy Peace reported on the activities of the TCAD staff. All items reported were under five broad areas. Kathy Zamata, Assistant Director, collected input from TCAD staff and compiled the report which was included in members' notebooks. Some highlights included the following:

- Emergency Preparedness has a contact person at TCAD.
- TCAD is moving forward with updating the Policy and Procedures Manual, and the chapters of the manual will be brought to the Commission for consideration for approval.
- TCAD's Ryan Ellis is working with Synergy to get the resource directory database online. Each Area Agency and Disability is asked to get Beacon, the software for the resource directory, up to date.
- The "Own Your Future" campaign is a great opportunity for the aging network. TCAD will do training across the state for Information and Assistance (I&A) staff.
- Louise Woodberry retired in November from the position of Aging Program Coordinator for the Nutrition Program. TCAD staff are working with Finance and Administration and Personnel to get the position reclassified to a dietician position.
- TCAD's Lucy Utt is currently the Cochair of the Tennessee Conference for Social Workers (TCSW) annual training conference and TCAD will be participating with responsibilities for presentations at 2-3 sessions at the meeting in April.
- Based on recommendation from Pamela Hayden-Wood, TCAD staff are processing the reclassification of a vacant staff position to hire an attorney.
- TCAD is compiling a request for a scanning system for the purpose of better utilizing office space and improving the maintenance of written information, especially client records.
- A bill to elevate the Commission on Aging and Disability to a department is being sponsored by Senator Finney.
- More service providers are being recruited. Some nursing homes have indicated interest in converting a portion of their nursing home to assisted living.
- Margaret Rose does a weekly service provider report. It was suggested by Mary Stockley, Commission member, that development of a canned presentation on "How to Become a Provider" would be useful in recruitment activities.

Ms. Peace reminded members to sign their Expense Forms and to complete the Meeting Evaluation Forms. In addition, a new form was included in the members' notebooks—An Emergency Profile form optional to be completed and turned in to staff. It would allow for a contact name and number in the event of an emergency.

REPORT FROM TN4A

Aaron Bradley, President of the Tennessee Association for Area Agencies on Aging and Disability (TN4A), reported the following items in the TN4A report.

- Appreciation was expressed to the Commission for the opportunity to present from the TN4A.
- Mr. Bradley presented concerns as an Association on issues pending with the waiver contract and other issues with recruitment and providers (punitive damages, monetary penalties, determination of fines, guidance on rules to prevent penalties, use of funds of penalties, etc.). Mr. Bradley stated that it was their belief at this point, compliance even with new funding and staff, would be impossible. He urged the TCAD to obtain a cost analysis that would determine the actual implementation cost of the contract. Mr. Bradley added that he would like to see the current waiver contract language amended and rates re-evaluated.

ADJOURNMENT

With no further business before the Commission, motion was made by Jerry Hill to adjourn and the motion was seconded by Diane Cormell. All were in favor and the motion carried. Chair Woodlee adjourned the meeting at 12:05 p.m. The next regularly scheduled meeting will be May 8, 2007, 9:00 a.m. CST at the Sheraton Hotel Downtown, Nashville, TN.

Respectfully submitted,

Nancy C. Peace
Recording Secretary
Tennessee Commission on Aging and Disability